

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

SHAWNA TANNER,

Plaintiff,

v.

CIV. NO. 17-876 JB-KBM

**TIMOTHY I. MCMURRAY, M.D.,
ADRIANA LUNA, R.N., AUDREY LEBER, R.N.,
TAILEIGH SANCHEZ, R.N., ELISA MANQUERO, R.N.,
CORRECT CARE SOLUTIONS, LLC,
BOARD OF COUNTY COMMISSIONERS
OF BERNALILLO COUNTY, NEW MEXICO,
THOMAS J. RUIZ, JOHN AND JANE DOES 1-10,**

Defendants.

**DEFENDANT BOARD OF COUNTY COMMISSIONERS OF BERNALILLO
COUNTY'S RESPONSES TO PLAINTIFF'S
FIRST SET OF REQUESTS FOR PRODUCTION**

Defendant Board of County Commissioners of Bernalillo County, by and through its counsel, Law Office of Jonlyn M. Martinez, LLC, respectfully responds to the Plaintiff's First Set of Requests for Production as follows:

GENERAL OBJECTION

The Defendant objects to the Plaintiff's Requests for Production to the extent that they seek information protected from discovery by the attorney-client privilege, the work product doctrine, the self-policing privilege, and the confidentiality or privacy rights of third-parties who are not a party to this lawsuit. Subject to these objections and without waiving same, the Defendant answers and responds to the individual discovery requests as follows:

REQUESTS FOR PRODUCTION

REQUEST FOR PRODUCTION NO. 1: Please produce the daily roster, shift log, or other records identifying the names, positions, and working hours of each Bernalillo County employee and contractor on duty in the F Unit of the Metropolitan Detention Center from 12:01 a.m. on October 4, 2016, until 11:59 p.m. on October 20, 2016.

RESPONSE: The following was produced on January 24, 2018: 000336-000362 F Unit daily roster- Grave, Day, Swing Produced and 000443-000553 Pod Logs.

REQUEST FOR PRODUCTION NO. 2: Please produce the daily roster, shift log, or other records identifying the name, positions, and working hours of each Bernalillo County employee and contractor on duty in any medical unit or health-care facility for inmates at the Metropolitan Detention Center from 12:01 a.m. on October 4, 2016, until 11:59 p.m. on October 20, 2016.

RESPONSE: The following was produced on January 24, 2018: 000363-000410 - HSU Unit daily roster- Grave. Day. Swing and 000443-000553 Pod Logs.

REQUEST FOR PRODUCTION NO. 3:

Please produce the records which set forth the medical policies and procedures for the Metropolitan Detention Center in effect during the month of October 2016, including standard operating procedures regarding inmate access to health care and operation of any medical unit or health-care facility at the Metropolitan Detention Center for that period.

RESPONSE: The following was produced on January 24, 2018: 000001-000335 Health Care Policy.

REQUEST FOR PRODUCTION NO. 4: Please produce the version of the inmate handbook, video recording, or other record provided to orient new inmates to the Metropolitan Detention Center and notify them of rules or procedures applicable to inmates in effect during the month of October 2016.

RESPONSE: The following was produced on January 24, 2018: 000411-000442 Inmate Handbook 10.2016 produced 1/24/18

REQUEST FOR PRODUCTION NO. 5: Please produce the records that officials or agents of the Metropolitan Detention Center provided to the court-appointed medical expert, Dr. Robert Greifinger, during his April 2016 and November 2016 site visits, including but not limited to Continuous Quality Improvement (CQI) and Quality Assurance (QA) reports, Mortality Review Reports, matrices or reports regarding medical care prepared or signed by the County's contract compliance officer, and documents prepared or signed by Dr. Ron Shansky and Dr. Kenneth Ray.

RESPONSE: The following was produced on January 24, 2018: 000554-000566 Report on MDC and 000567-000578 Report on MDC.

REQUEST FOR PRODUCTION NO. 6: Please produce the records of communications by the court-appointed medical expert, Dr. Robert Greifinger, which were transmitted to officials of the Metropolitan Detention Center or their agents during the period from April 2016 to the present, including any findings of fact and transcripts of recorded testimony by Dr. Greifinger.

RESPONSE: The following was produced on January 24, 2018: 000554-000566 Report on MDC and 000567-000578 Report on MDC.

REQUEST FOR PRODUCTION NO. 7: Please produce the records which document the activities and status of Plaintiff Shawna Tanner during her incarceration at the Metropolitan Detention Center from her intake on or about October 4, 2016, through her release on or about October 20, 2016, including reports, logs, notes, memoranda, e-mail and other electronic messages, photographs, video recordings, and audio recordings which evince her presence,

location, transport, movement, communications, and access to health care in the Metropolitan Detention Center during that period.

RESPONSE: The following was produced on the dates indicated below:

000443-000553 Pod Logs 10.04.16-10.20.16 produced 1/24/18.
000579 Dayroom 84 #4 10.16.16 produced 1/3/18
000580 Dayroom 84 #01 10.16.16 produced 1/3/18
000581 Dayroom cam 84 #02 10.16.16 produced 1/3/18
000582 Dayroom cam 84 # 03 10.16.16 produced 1/3/18
000583 Exam Dental Hall #1 10.16.16 produced 1/3/18
000584 Exam Dental Hall #2 10.16.16 produced 1/3/18
000585 Exam Dental Hall cam 1 10.17.16 produced 1/3/18
000586 Exam Dental Hall cam 2 10.17.16 produced 1/3/18
000587 Exam Dental Hall cam 3 10.17.16 produced 1/3/18
000588 Infirmary Corridor East #1 10.17.16 produced 1/3/18
000589 Infirmary Corridor East #2 10.17.16 produced 1/3/18
000590 Infirmary Corridor East 10.16.17 produced 1/3/18
000591 Infirmary Corridor West #1 10.17.16 produced 1/3/18
000592 Infirmary Corridor West #2 10.17.16 produced 1/3/18
000593 Infirmary Corridor Wes 10.16.16 produced 1/3/18
000594 Main Corridor Court Releasing 10.17.16 produced 1/3/18
000595 Main Corridor Medical Entrance 10.17.16 produced 1/3/18
000596 Medical Inmate Waiting room #1 10.16.16 produced 1/3/18
000597 Medical Inmate Waiting room #1 10.17.16 produced 1/3/18
000598 Medical Inmate Waiting room #2 10.16.16 produced 1/3/18
000599 Medical Inmate Waiting room #2 10.17.16 produced 1/3/18
000600 Releasing Corridor cam 156 10.17.16 produced 1/3/18
000601 Releasing Corridor North cam 153 10.17.1 produced 1/3/18
000602 Sallyport cam 93#1 10.16.16 produced 1/3/18 and
000603 Sallyport cam 93 #2 10.16.16 produced 1/3/18

REQUEST FOR PRODUCTION NO. 8: Please produce the records created, edited, processed, or discovered between October 4, 2016, and the present which document the investigation, diagnosis, or treatment of Plaintiff Shawna Tanner's pregnancy, the stillbirth of her baby, and any medical complications associated with those events during her incarceration at the Metropolitan Detention Center from October 4, 2016, to October 20, 2016, including medical records, incident reports, audit reports, inspection reports, mortality reports, internal affairs investigation records, sheriff's department investigation records, and contract compliance records.

RESPONSE: The Defendant objects to this Request because it seeks information protected from discovery by the attorney-client privilege and work-product doctrine. Upon information and belief, the Plaintiff has already received a copy of the investigation conducted by the Bernalillo County Sheriff's Department concerning this matter. An additional copy of this Report is also attached hereto.

REQUEST FOR PRODUCTION NO. 9: Please produce the records of statements given or made by Plaintiff Shawna Tanner to officers or agents of Bernalillo County, including Bernalillo Sheriff's Department detectives, health-care providers, counselors, investigators, and corrections officers between October 4, 2016, and the present.

RESPONSE: Upon information and belief, the Plaintiff has already received a copy of the investigation conducted by the Bernalillo County Sheriff's Department concerning this matter which contains her statements. An additional copy of this Report is also attached hereto.

REQUEST FOR PRODUCTION NO. 10: Please produce the records for the calendar year 2016 which evince the efforts by officials, employees, and agents of Bernalillo County to monitor and enforce compliance with the provisions of the County's "Agreement for Medical, Dental, Mental Health, Psychiatric and Methodone Services for the Metropolitan Detention Center" with Correct Care Solutions, LLC, dated on or about December 9, 2014, as amended.

RESPONSE: The Defendant objects to this Request because it is vague and does not seek records with sufficient particularity for the Defendant to respond. Subject to these objections, without waiving same, the Defendant states that documents produced on January 24, 2018: 000554-000566 Report on MDC and 000567-000578 are responsive to this Request.

Respectfully submitted:

LAW OFFICE OF JONLYN M. MARTINEZ, LLC

By: /s/ Jonlyn M. Martinez
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